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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,524	10/15/2005	Kendall Munday	DAVI254.001APC	3219
20995 7590 10/20/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER BRADFORD, CANDACE L				
ART UNIT 3634		PAPER NUMBER		
NOTIFICATION DATE 10/20/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/527,524

Applicant(s)

MUNDAY ET AL.

Examiner

CANDACE L. BRADFORD

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-8, 15, 21, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiou et. al. (5758742). Chiou et. al. discloses an attachment member 1, adapted to attach to an edge region of a roof 5, a force distribution member 2, extending transversely to the attachment member and adapted for location on an upper surface of the roof, a connector 22, mounted to the attachment member of the force distribution member, the connector adapted to receive a load support line 23, wherein the connector is positioned in the vicinity of a junction between the attachment member and the force distribution member as best seen in attached Figure 11, wherein the connector is positioned in a lower half of the force distribution member, wherein the connector is positioned in a lower quarter of the force distribution member, wherein the connector is positioned within fifty centimeters of a junction of the force distribution member and the attachment member, wherein the connector is positioned within twenty five centimeters of the junction, wherein the connector is positioned within ten centimeters of the junction, wherein the connector is portioned at or around the edge of the roof in use, wherein the attachment member includes a stop structure to engage an edge of the roof, wherein the force distribution member is formed as an elongate cylindrical member

preferably tubular, further including a safety line fixed permanently to the connector as best seen in attached Figure 11.

Claims 1, 9, 10, 13-20, 23-26, and 30-33 rejected under 35 U.S.C. 102(b) as being anticipated by Arisman et. al. (5346036). Arisman et. al. discloses an attachment member 4, adapted to attach to an edge region of the roof 8, a force distribution member 1a,15, extending transversely to the attachment member and adapted for location on an upper surface of the roof, a connector 5, mounted to the attachment member of the force distribution member, the connector adapted to receive a load support line, wherein the connector is positioned in the vicinity of a junction between the attachment member and the force distribution member, wherein the attachment member is formed as an elongate member having a gap formed by a first side structure and a second side structure spaced from the first side structure, the gap adapted to locate around an edge of the roof, as best seen in the attached Figure 2, wherein the first side structure is contoured to conform to a profile of an underside of the roof edge as best seen in Figure 8, wherein the first side structure and second side structure form clamping means for clamping at least a part of the rood edge in the gap, wherein the clamping means is adjustable to vary the gap, wherein the attachment member includes a stop structure to engage an edge of the roof, as best seen in the attached Figure 2, wherein the stop structure is a wall, wherein the second side structure is formed as two shaft members each with a longitudinal axis oriented substantially perpendicular to the first side structure, wherein the two shaft member are positioned each towards a respective outer end of the elongate members, wherein the shaft members are

threadably engaged with support brackets thereby providing adjustment means for adjusting the gap, wherein the force distribution member is substantially perpendicular to the attachment member, wherein the force distribution member is formed as a substantially planar member, wherein the force distribution member includes a foot 4, engaging the roof surface, an attachment foot formed as an elongate L shaped bar, two spaced locking arrangement disposed transversely to one surface of the L shaped bar and positioned to each co-operate with a respective end region of the attachment foot, a cylindrical arm connected approximately centrally to the foot and extending perpendicular thereto, an attachment aperture formed in or mounted on the foot or the arm, wherein the components are configured to compressively engage a roof edge region between one surface of the L shape bar and the locking arrangement, with the arm positionable on the roof and that attachment aperture, in use positioned in the vicinity of the roof edge, wherein the spaced locking arrangements are each a threaded shaft mounted in a threaded bracket and rotatable into and out of contact with the roof to thereby fix the anchor in positioned, placing an attachment member in contact with an edge of the roof, positioning an arm directed upward on the roof, the arm extending transversely from the attachment member, fixing a safety ling to the roof at or around the level of the roof edge, as best seen in attached Figures 1, 2, and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisman et. al. (5346036) in view of Curtin (6966531). Arisman et. al. as advanced above fails to disclose a portable anchor with a first side structure that is padded. Curtin teaches the utility of a padding 12 with a slip resistant material on its outer surface. The use of padding or a slip resistant material is commonly used in the art to prevent movement. Therefore, it would have been obvious to one of ordinary skill in the art to provide the roof anchor of Arisman et. al. with padding or a slip resistant material as taught by Curtin to prevent movement of the first side structure when in contact with the roof.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arisman et. al. (5346036) in view of Argoud (7163083). Arisman et. al. as advanced above fails to disclose a cylindrical tubular member dimensioned to substantially occupy a corrugated roof. Argoud teaches the utility of a cylindrical tubular member 2 dimensioned to substantially occupy a corrugated roof, as best seen in Figures 3 and 7. The use of roof anchors dimensioned to occupy corrugated roof are commonly used in the art to allow for roof anchors to be adapted to various types of roofs. Therefore, it would have been obvious to one of ordinary skill in the art to provide the roof anchor of Arisman et. al. with a cylindrical tubular member dimensioned to substantially occupy a corrugated roof as taught by Argoud so as to allow for the roof anchor to be adapted to various types of roofs.

Claims 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisman et. al. (5346036) in view of Mullins et. al. (7240770). Arisman et. al. as advanced above fails to disclose a shackle or hook connector mounted on the force distribution or attachment member. Mullins et. al. teaches the utility of a shackle 56 connected to an attachment member 48. The use of hooks or shackles as connector members are commonly used in the art to allow for various attachment members to be connected to the anchor. Therefore, it would have been obvious to one of ordinary skill in the art to provide the roof anchor of Arisman et. al. with the shackle connector as taught by Mullins et. al. so as to allow for various attachment members to be connected to the anchor. It would have been further obvious to one of ordinary skill in the art to provide a method for locking the roof anchor to the roof, in view of the structure as advanced above, while producing no new and unexpected results.

Response to Arguments

Applicant's arguments filed 7/9/08 have been fully considered but they are not persuasive. The applicants attention is drawn to page 8 of the remarks. The applicant states the anchor of Chiou et. al. is attached to an edge region of a roof. Chiou et. al. teaches the utility of a an anchor 100, to an edge of a roof/reinforced concrete frame, which would distribute the force of a load on an upper surface of a roof. The applicant also states that the Chiou et. al reference is not adapted to be attached to the edge region. The examiner would like to note that the applicant has not specifically claim the type of attachment the anchor and roof have, and as clearly seen in Figure 11, the anchor and roof/reinforced concrete frame are clearly attached. The applicant's

attention is drawn to page 9 of the remarks. The applicant states the beam of the Arisman reference is not located on the upper surface of the roof. The examiner would like to note that a portion of the force distribution member 1,15 located on an upper surface on the roof, as best seen in Figure 2.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
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October 14, 2008